

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, August 08, 2016

Those Present:

Mr. Rick Stup, Board Chairman
Mr. Jesse Pippy, Board Member
Mrs. Maggi Hays, Board Member
Mrs. Linda Thall, Sr. Assistant County Attorney
Mrs. Kathy V. Dean, Administrator
Mr. Harold DeLauter, Alcoholic Bev. Inspector
Mr. Bob Shrum, Alcoholic Bev. Inspector
Mrs. Penny Bussard, Administrative Specialist V
Mrs. Ashley Sklarew, Administrative Specialist V

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:00 AM by Chairman Rick Stup.

1. Dry District Procedures: Jackson, Middletown, Jefferson and Ballenger Creek

Ms. Dean swore in Applicants, witness and anyone who wanted to testify (see sign in sheet). Mr. Stup stated by agreement that the Board will start the process in the following order: Jackson, Middletown, Jefferson and Ballenger Creek for testimony. Mr. Stup asked if any members of the Board would like to make a comment. Mr. Stup stated that the Board will be looking at the legislative list on September 19, 2016 and take public comment. Then the Board will take any priorities that the public may have on September 22, 2016. Mr. Stup encouraged the public to check the Liquor Board website for the meeting agendas.

Jackson: Myersville Service- Mr. Stup stated the order the Board will be taking testimony from Applicants. They will present their application package. They may be questioned by the Board and staff, then they will go to public testimony and there will be time for the Applicants' rebuttal to public testimony. Mr. Stup stated once the application is received, then consideration will be ranked by each district they're in. Mr. Elmer Wachter, Myersville Exxon. Applicant would like to apply for Class A light wine license. Mr. Pippy asked if Mr. John Fleshmen was present and active in the company. Mr. Stup asked if the Applicants will be directly involved with the business. Mr. Stup asked the Board Members if they had any questions. Mr. Wachter stated he, his wife and

daughter operate the day to day business at the gas station. Mr. Stup asked for any public testimony. Mr. Stup ranked The Jackson district as #1.

Middletown District:

1st Applicant Chad Scott- Ms. Dean swore in Applicants, witness and anyone who wanted to testify (see sign in sheet). The Applicant has been raised in Frederick County. Applicant stated he has a high interest in wine and beer. Applicant Steve Toulouse has been a Frederick County resident for 22 years. He is one of the original founders of the Frederick Brewing Company. He and Mr. Scott are applying for a Class A beer, wine and liquor license. Mr. Pippy asked if this was a former church and where would the patrons park. The Applicants stated they are investigating parking for patrons. Mr. Stup asked if the Applicants have a contract on the building for the Applicant's establishment. The Applicant stated there is no contract to date. They are in preliminary talks with the town of Middletown. Mr. Toulouse has not contacted the Health Department but has contacted the Fire Department. Mr. Stup asked what their target date is for opening. The Applicant wants to be open around November 10th or before Thanksgiving. Mr. Stup asked the Board and public if they had comment.

2nd Applicant Michele Doll- The Applicant stated he and his wife have put in an application of Middletown. The Applicant owns two liquor stores in Washington County and would like to open a store in Frederick County. If approved, they will sell their Washington County stores and be sole owners in Frederick County. The Applicants are considering two locations in Middletown. January is the estimated opening date. The Applicant is considering the old Ingles building and the other location has not been built yet. Mr. Pippy asked if the Applicant knew the approximate housing location. The Applicant stated that there were two license available. Mrs. Dean informed the Applicant that there is 1 Beer License and 1 Beer, Wine and Liquor license available in that district. Mr. Pippy asked if the Applicant knew the approximate volume of housing for the Middletown development. Mrs. Hayes asked when they will be ready to open. The Applicant stated around spring of 2017. Mr. Stup asked if the Board or public had any questions. There was no rebuttal.

3rd Applicant Rudy's Welding and Old Beer Middletown- The Applicant was looking to upgrade their license to beer, wine and liquor. Mr. Stup stated the Applicant has had a good record. Mr. Pippy asked if traffic gets bottled up in front of the Applicant's establishment. The Applicant stated in the late evening it does. Mr. Pippy asked if offering liquor would impact the community in a negative way. The Applicant responded he doesn't know and that they have never had a problem before. Mr. Stup stated that the Applicant's establishment is in the County and there should be no requirements for parking. Mr. Stup asked if the Board had any questions or comments. Inspector Harold DeLauter stated in 12 years he has never had an issue with the Rudy's Welding. Public comment: Ed Scott asked if the owner would make a commitment to

donate the historical sign to the historical society. Mr. Stup stated that could not add that condition. There was no rebuttal

4th Applicant Rachel Miller- Pradeep Sani- Ms. Dean swore in Applicants, witness and anyone who wanted to testify (see sign in sheet). Pradeep Sani, is a member of the LLC Village Town in Thurmont, Liquor, and Brunswick Liquor in Knoxville, MD. He has been licensed since 2008. Mr. Sani stated they have a lease in place in the Golf community location. They are ready to move at a fast pace and get the construction up and running. The Applicant stated they have a long history for opening stores from the ground up. Mr. Stup stated the request listed an opening date of October. Mr. Victor White stated the Applicant is expected to start construction this month and delivery will begin to Mr. Sani in November. The name of the project is Cross Stone Commons. There is other tenants with in this structure Dunkin Donuts, Baskin Robins, a nail salon, Chinese restaurant, and a dentist. There are 95 parking spaces available for the building. This a brand new building with 1200 homes located directly across the street in Glen Brook and development coming in. Mr. White has been asked if there will be a liquor store in this new project and they are pleased to provide the town with a liquor store. Mr. Stup asked if Mr. White has his permits for this project. Mr. White stated that the permits are in but have not been issued as of yet. Mr. Pippy stated some glaring things pop out on the Applicant's application. Mr. Pippy stated that there have been violations since 2009, and there is a pending violation for Village Liquors currently. Mrs. Dean stated the violation is that the Licensee had bottles of liquor on the premises that the licensee did not purchase from a wholesaler. Mr. Sani stated that the issue has been addressed and the bottles were fake bottles with no alcohol in them. Mr. Pippy stated that there are multiple violations for each store. In September 2012, the Licensee was cited for no regulation booklet on the premises, at another location the Licensee had the same violation a year later, in 2014 a violation for giving a false statement, 2014 there was a violation for failure to keep employee records and work schedules, failure to display license. Mr. Pippy stated the Licensee needs to be working within the guidelines of the Liquor Board policy and that since 2009 the Licensee has almost had a violation every year. Mr. Sani stated that he is not involved in the day to day operations of his establishments, but on a day to day basis he visits his stores daily to check on them. Mr. Saini stated that he stresses being cautious and compliant, because his store is located within college limits. Mr. Saini stated these are minor violations which he has addressed right away. Mr. Saini stated Mr. DeLauter often visits his store and he always comments on the proficiency and professionalism of which he conducts his businesses. Mrs. Hays stated that on March 25, 2014 the licensee gave the Board a false statement. Mrs. Dean stated this had to do with a person on the license that did not sign the renewal. Someone signed their name for them. Mr. Saini stated he is not certain about this incident and he will check with Mrs. Dean to get more information for this occurrence. Mr. Stup asked if the Board and the Inspectors would like to make comments about the Licensee. Inspector DeLauter stated that it is true that the Licensee now always has his schedule shown, and his regulation booklet as he

indicted, but other than that he has no other positive comments to make about the Applicant. Mr. Stup asked for public testimony and rebuttal. Mr. Saini stated that going forward they will take steps to address issues. Mr. Stup stated that was the last application for this rating.

Mr. Stup rated the Applicants. 1. Upgrade the Rudy operation, 2. Doll operation if it's in the Ingle location (if not, then Chad Scott would move to 2 and Doll would move to 3), 3. Chad Scott, 4. the Miller operation. Mr. Stup's reason is the first couple applications are ready to go and he doesn't see the other being ready until 2017. Mr. Pippy stated the only issue with that is Sub-section 3. Section C- Conditional Approvals States: The Board must treat applications of current existing building and then concepts of building to be built in the same manner, the Board cannot use the fact that a building is ready. Mrs. Thall stated that the quoted regulation does not apply until you have a full application that comes before the Board for a hearing. This is a preliminary matter, but she isn't saying that the Board cannot consider that but the actual Sub-section 3 Section C- Conditional Approvals would not be applicable to what is being done for today, but it would apply if the Applicant were coming before the Board for final approval of their license. Mr. Pippy asked if Mr. Stup could list the rating again for a third time. Mr. Pippy stated that he believed the Board was all in agreement of the rating.

MOTION: Mr. Stup made a motion to follow the rating in the order it was presented.

SECOND: Mr. Pippy seconded the motion.

FURTHER DISCUSSION ON THE MOTON:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Pippy-Aye

Request from Beer only to Beer and Wine: Michael Cook, owner of Dumsey's Grill has been in business for 9 years. Now that the license is available they would like to upgrade from beer only to beer and wine to offer patrons a wine selection. Mr. Stup stated the establishment record for violation is exemplary. Inspector DeLauter stated that he has never had a problem with this establishment

MOTION: Mrs. Hays made motion to accept the upgrade request.

SECOND: Mr. Pippy seconded the motion.

FURTHER DISCUSSION ON THE MOTON:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Pippy-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

Jefferson District- Two classes will be reviewed: Beer & wine and the other is Beer, wine and liquor. Mr. Stup stated that the Beer wine and liquor would be reviewed first than the beer and wine would be reviewed next.

1. Jefferson Market application- Richard & Debra Cooper have been in operation since 1984. They employ 13 employees. They are responsible and experienced Licensees who are open 112 hours a week. Dale Adams has been on the liquor license since 2003. The Applicant stated they want to go from a Class A, Beer & Wine to a beer, wine & liquor license. The Applicant stated they are ready to go at any time. Mr. Stup stated they have been very good Licensees within the last 15 years. Mr. Cooper stated they have had only 2 violations in 32 years. Mr. Stup asked Mr. Cooper whether he had requested an upgrade in past years. Mr. Cooper stated he made a request in 1998. Mr. Pippy stated that he noticed that Mr. Cooper requested an upgrade to Beer, Wine & Liquor. Mr. Stup asked the Board for any comments. Mr. Pippy noticed that the Applicant first applied for first choice Beer, Wine and Liquor and the second choice would be an upgrade to wine. Inspector DeLauter stated that during his time as inspector with the Liquor Board he has never had a violation for this establishment and it's a good business.

Public comment: Bill Hopwood stated with it being a market is there any restrictions on having a liquor license, and he is also applying for a license as well. Mrs. Dean stated there is a provision against chain stores and supermarkets, and discount houses. Mr. Hopwood asked if the Applicant is granted this license will he do away with the existing food items. Mr. Pippy asked to review Article 9-211(d) for clarity. Mr. Hopwood asked if the Applicant is granted the application would have do away with the existing food section. Mr. Stup stated the question is not pertinent for this rating. Mr. Pippy asked clarification of the order of the rating. Mr. Stup stated just because the Applicant is rated in spot #1 it does not mean they will be approved to receive a license.

Richard Bricken- Kaser Kan and ActarAli- Mr. Bricken stated that his clients have applied for Class A Beer and Wine only. Since there is an alternative request for Beer and Wine only with this Applicant he should be considered along with the request of his clients. Mr. Stup stated it was best to clearly separate the two different issues. Mr. Stup asked for any other public comments and rebuttal from Mr. Cooper.

2. Mr. Hopwood and Mr. Turlpin- Mr. Hopwood stated that he and his partner are here to apply for Class A Beer, Wine & Liquor license. Mr. Hopwood stated that he and Mr. Turlpin are longtime residents of Frederick MD. They want to build a 3700 ft. building that will house a liquor store and restaurant. They have gone through the Frederick County Development & Review Board for the preliminary conceptual plan. This is the plan that was sent to the Liquor Board with enough parking spaces. The liquor license is a key part to the project. This will be the first since 1992 since a new structure has been built in the village center zoning. This project will do things for the community by offering new jobs with the restaurant and the liquor store. Mr. Hopwood stated the residents are supportive of the project. Mr. Stup commended the Applicant on his structure plans. Mr. Stup asked if the Applicant has spoken with the Health Department regarding a ground water approbations permit. Mr. Pippy asked if another license was given in front of his location would that be an issue and would they still go forward. Mr. Pippy asked if the Licensee would still build if he received a beer and wine license only. Mr. Hopwood stated no the liquor store would be the main attraction. IF it was a Beer & Wine only liquor store, they don't believe the establishment would produce enough revenue for this significant investment. Mr. Stup asked would the Licensee be a part of the daily operation. Mr. Turlpin stated he would be directly involved in the operations. Mr. Stup stated that those are the 2 Applicants for the Jefferson location to apply for license.

MOTION: Mr. Pippy made motion to put corner of Halter and Champlain for beer, wine and Liquor in position 1 and Jefferson Market placed in position 2.

SECOND: Motion died for lack of a second

MOTION: Mr. Hays made a motion that the Cooper store be listed as No. 1 for Beer, Wine and Liquor based on their long history in the community, Corner of Halter and Champlain listed as No. 2.

SECOND: Mr. Stup seconded the motion

FURTHER DISCUSSION ON THE MOTION:
There was no further discussion on the motion.

VOTE: Mr. Stup-Aye
Mrs. Hays-Aye
Mr. Pippy-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

Old Ingrams BP- Mr. Stup asked if permits were up to date. 2500 square foot store. Mr. Pippy stated this is good location in Jefferson. Mr. Pippy asked which is the biggest seller, beer or wine. The Licensee stated that beer is the biggest seller.

MOTION: Mrs. Hays made a motion to rate 1 for Jefferson district.

SECOND: Mr. Pippy seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye
Mr. Stup-Aye
Mr. Pippy-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

Ballenger Creek District Beer, Wine and Liquor-

1. James Doll- the location shopping center for Wolf Furniture the space is available January or much sooner to build out. Mr. Stup asked if there was any issue with taps. Mr. Stup asked if the Applicant will be directly involved. Mr. Stup asked if the Board or public had any comments.
2. Randy & Susanne Lewis- Randy helped run Highway Liquors and thought this would be a great business. Mrs. Lewis stated she has a long standing relationship with the County and knows what has to be done to complete applications. They want to move to the Ballenger Creek shopping center application. Randy has years of experience working with liquor stores. December 15 looking for a buildup date. Mr. Pippy stated that the Board did receive a letter of recommendation from Sheriff Chuck Jenkins. Mr. Stup asked the Board and the public if they had any comments.
3. Roger Miller- Pradeep Saini, put in a letter of intent with the Ballenger Creek Shopping Center. August 2nd received a letter from the shopping center LLC. A lease has been signed by the tenant. The Applicant stated if they receive the license they would be able to open the store within a month of receiving the license. Mr. Stup asked the Board member if they had any comments. Mr. Saini stated there are two agents involved. Mr. Stup stated the date to open would be September 16, 2016. There would be no interior changes. Mr. Saini stated he has opened the floor plans to designers. Mr. Saini stated they have experience with how this should be done. Mr. Stup asked the Applicant if they would be ready between 30 to 60 days from receiving the license. Mr.

Stup asked if the Board or public had comments. Inspector DeLauter stated his comment remained the same.

4. Ed Scott- Previously owned a class A license and is interested in beer and wine crafting. The Applicant has identified the Ballenger Creek location for his establishment. The Applicant is also considering the Jefferson Technology Park area. The Applicant would like to open by Thanksgiving. Mr. Stup asked if the Board members and the public had any questions.
5. Dara Partel- Kathy swore in Applicant and witness. The Applicant is applying for the Ballenger Creek location. The Applicant is looking to open her own liquor store. Mr. Stup asked if the Applicant has her financing lined up. Mr. Pippy asked which license the Applicant's family owned. Mr. Stup asked if the Board or public had comments.
6. William Laughlin 3rd- Ballenger creek location. Applicant has received an intent letter from Manish Sinee. Mr. Stup stated a rating would not be determined today but rating will be determined on August 22, 2016. The Applicant is not planning to open until February 2017. Mrs. Hays stated this is a difficult decision for the Board to choose only one license. Mr. Stup asked if the Board or public had any other questions. Mr. Stup stated a rating would not be made until August 22, 2016 and the item will be the first on the agenda.

Mr. Doll had an additional comment- His store in Smithburg he doubled the space and was never closed a day during renovations.

Mr. Stup asked for public comment: meeting adjourned.

Respectfully submitted,

Kathy Dean, Administrator
FREDERICK COUNTY LIQUOR BOARD